

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

RACHEL BARNHART,

Plaintiff,

-against-

THE CITY OF ROCHESTER, a municipal entity, “JOHN DOE POLICE OFFICERS 1-200” (names and number of whom are unknown at present), THE COUNTY OF MONROE, TODD BAXTER, “RICHARD ROE SHERIFF’S DEPUTIES 1-200” (names and number of whom are unknown at present), and other unidentified members of the Rochester Police Department and Monroe County Sheriff’s Office,

Defendants.

Case No. 21-cv-6718

**NOTICE OF MOTION
TO DISMISS**

Motion By: Defendants County of Monroe, Todd Baxter and “Richard Roe” Monroe County Sheriff’s Deputies 1-200 (the “County Defendants”).

Relief Requested: An order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing, with prejudice, the Complaint and each claim as against the County Defendants and such other and further relief as this Court deems proper.

Supporting Papers: Notice of Motion; Declaration of Maria E. Rodi, Esq., dated February 28, 2022 with Exhibit A; and Memorandum of Law, dated February 28, 2022.

Grounds for Motion: Failure to state a claim against the County Defendants.

Location: United States Court House, 100 State Street, Rochester, New York 14614

Opposing Papers: Under Local Rule, Plaintiffs are required to file and serve opposing papers **fourteen (14) days** after the service of this motion, if the Court does not issue an order with an alternative deadline. The County Defendants intend to file and serve reply papers.

February 28, 2022

John P. Bringewatt, Monroe County Attorney

s/ Maria E. Rodi

Maria E. Rodi, Senior Deputy County Attorney
39 W. Main Street, Room 307
Rochester, New York 14614
585.753.1495
mariarodi@monroecounty.gov

To: All counsel of record *by ECF*